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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,286	12/09/2003	Nianjun Zhou	POU920030186US1	4917
23413	7590	06/18/2007		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER CHAVIS, JOHN Q	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,286

Applicant(s)

ZHOU ET AL.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over obvious in view of Lavin, and further in view of Liddy. The previous action is hereby repeated with responses to the applicant's remarks in **bold**.

What is claimed is:

Lavin/Liddy

1. A method for providing software and file distribution management, comprising:

See the title and the abstract.

loading a user profile for an end user into a client system via an intelligent agent,

See fig. 6a and sect. 0058. Also, see sect. 0070 and 0117. In sect. 0117, Lavin refers to a person, which may or may not be an intelligent agent based on each individual. However, the claim is broad enough for the term to be represented by the cited passage. Furthermore, assuming the applicant is attempting to refer to an automated process, the feature is not taught by Lavin; however, the feature is taught by patent no. 6304864 to enable automation to recurring processes and therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize the feature in Lavin's system for the same reason to simplify implementations of recurring tasks (see sect. 0073). See also, the bots referenced by Lavin in sects. 0110-0111.

said profile containing current software installed, files downloaded, and registered channels for said client system;

listening in to registered channels by an intelligent agent resident on said client system;

The applicant indicates that neither reference teach the feature of loading a user profile; however, see Lavin's sects. 0136-0137. Also, note that the loading may be performed by an intelligent agent, see sects. 0007, 0014, 0045, 0055 and 0073.

See again sect. 0055 in which the phrase "keep fresh" refers to the current software installed (**updating that software, i.e. keeping it fresh**) "information from multiple sources" refers to files downloaded and the P2P, and S2P2S2P, etc. refers to the various channels (see sects. 0056-0064). See again sect. 0073 in which trespasses are not violated (i.e. listening in on registered channels). **See Lavin's sects. 0092 and 0095 in which current software installed has to be specified in order to provides "updates", see sects. 0013-0014. The applicant further indicates that Keeping fresh does not refer to a user profile; however, again automated data acquisition has to be specific to be useful, see sect. 0118, 0125, 0129 and 0131 (specific to the end user's profile).**

See page 5, sect. 0045 and sect 0073. **In reference to registered channels, (properly identified locations) the channels would have to be registered in order for automation to occur to ensure downloading for the proper location, see sects. 0115 and 0055 and 0137. Furthermore, the "polling" is considered to provide for "listening in", see sects. 0128 and 0221.**

and if a new message is received,
determining if said new message
is applicable to said client system;

See sect. 0055.

wherein applicable messages
result in: querying said client
system to execute a task based
upon said message;

See sect. 0073 which refers to
the querying feature.

executing said task in accordance
with said client system's
preferences; and

See sect. 0125 and 0127.

updating a look-up system with
results of task execution.

See sect. 0118. Also, see again the
Portions cited for the intelligent
agent above.

2. The method of claim 1,
wherein if said user profile does
not exist: creating at least one
registered channel for said end
user;

See the discussion of Gator in sect.
0033, in which user visits are
detected (creating at least one
registered channel) to enable
serving of targeted ads (via the
registered channel).

creating a user profile that
includes said at least one
registered channel; and

Gator also studies surfing
behavior (inherently via a
created profile that is stored)

storing said user profile in a
data repository accessible by
said intelligent agent.

Gator also serves the user
content based on previously
Visited sites (stored profile information).
Gator provides intelligence by learning
the behavior of the user. Therefore,
although the applicant may argue that
the intelligent agent feature is not taught
by Lavin, the feature is taught via
Lavin's prior art to enable specifically
targeted responses to the user.
Therefore, it would have been obvious
to a person having ordinary skill in the
art at the time of the invention to utilize
the feature in Lavin's system, similar to
the usage of his "bots", referenced

above, for the same reasons they are mentioned in the related prior art discussion of Gator (which is also considered to represent the type of intelligence in systems such as Liddy, above.

3. The method of claim 2, wherein said creating at least one registered channel includes: basing a creation of said at least one registered channel on at least one of: information retrieved from said look-up system, said information associated with said client system requirements; and inputs received from said end user via said client system; and

storing said registered channel in said data repository.

4. The method of claim 1, wherein said listening in to registered channels by an intelligent agent comprises:

opening a communication connection to a message broker;

receiving said new message from said message broker; reading a message header of said new message;

discarding said message based upon said reading a message header and upon an occurrence of at least one of: said message header indicates

" " " "

See sect. 0088, which automates the manual process of reviewing desired information. Also, see sect. 0221 and fig. 8b.

" " " "

" " " "

" " " "

" " " "

that said new message is not associated with one of said registered channels; software associated with said new message has already been installed on said client system; an end user has requested that said software relating to said new message should not be installed; and a file associated with said new message has already been downloaded.

5. The method of claim 1, wherein said registered channels include software and hardware requirements for groups of end users that share common software and hardware requirements.

See sects. 0091-0092 and 0084.

6. The method of claim 1, wherein said new message includes information relating to at least one of: a new software product; a new version of an existing software product; an obsolete software product; a software product patch; a new software provider; an obsolete software provider; a new file; an updated file; a new hardware device; a new version of an existing hardware device; an obsolete hardware device.

See sect.0106, which enables users to collect desired data. Also, see sect. 0017.

7. The method of claim 1, wherein said look-up system stores: information relating to software or file requirements for said registered channels; lists of providers of software

See sects. 0115, 0123 and 0128.

products or files utilized by said client systems; and addresses where software or files are physically stored.

In reference to claims 8-10, see the rejection of claims 1-3.

As per claims 11-12, see sects. 0182, 0037 and 0041.

See claim 4 above in reference to claim 13.

The features of claims 14-15 are taught via claim 3 above.

In reference to claims 16, 20, 25 and 28, see the rejection of claim 4.

As per claims 17 and 21, see the rejection of claim 5.

See claim 6 above in reference to claims 18 and 22, 27.

The features of claims 19, 23-24, 26, and 29-30 are taught via claims 7 and 11-12.

Conclusion

3. Applicant's arguments filed 3/30/07 have been fully considered but they are not persuasive. for the reasons indicated above.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'John Chavis', with a stylized 'J' and 'C'.

John Chavis
Primary Examiner AU-2193